NUISANCES—TUBERCULOSIS SANATORIUM.—Defendant, a physician, was conducting a tuberculosis sanatorium in a residential district of the city, in close proximity to the homes of the plaintiffs. It was shown that the property value was reduced 25 per cent because of the prevailing fear of tuberculosis. Plaintiffs sought an injunction restraining the defendant from conducting the sanatorium in this residential district. *Held,* that the sanatorium was not a nuisance *per se,* but became such by reason of its location in a residential district, and the court granted the injunction. *Brink* v. *Shepard,* (1921) 215 Mich. 390.

The general rule seems to be that a hospital, whether for treatment of ordinary diseases or for the treatment of contagious and infectious ones, is not a nuisance *per se,* though it may become such by reason of the place of its location or because of the manner in which it is conducted. *Frazer* v. *Chicago,* 186 Ill. 480; *Haag* v. *Vanderburgh Co.,* 60 Ind. 511; *Cherry* v. *Williams,* 147 N. C. 452; *Barry* v. *Smith,* 191 Mass. 78. The establishment of the hospital need not place the occupants of adjacent buildings in actual danger of infection, but if they have a reasonable ground to fear such result and the reasonable enjoyment of their property would be materially interfered with, relief will be granted. *Stotler* v. *Rochelle,* 83 Kan. 86; *Baltimore* v. *Fairfield Imp. Co.,* 87 Md. 352; *Shepard* v. *Seattle,* 59 Wash. 363. As Chadwick, J., stated in the case of *Everett* v. *Paschall,* 61 Wash. 47, "The question is not whether the fear is founded in science, but whether it exists; not whether it is imaginary, but whether it is real, in that it affects the conduct and movement of men." In a densely populated community a hospital is undoubtedly a nuisance. *Deaconess Home* v. *Bontjes,* 207 Ill. 553; *Kestner* v. *Homeopathic Hospital,* 245 Pa. St. 326; *Cherry* v. *Williams, supra.* Thus, the decision of the court in the principal case seems to be sound and in accord with the general trend of authorities.

PATENT LAW—IDEA OF MEANS A PART OF INVENTION.—Originally bifocal eye lenses were built up by combining two lenses in one frame. The result was always an undesirable prismatic aberration at the division line between the upper and lower fields. There had been early patents of a "single crystal bi-focal," that is a single piece of glass with two fields ground upon it. Such a lens would largely eliminate the aberration. However, great difficulty was encountered in grinding such lenses, and the means of manufacture suggested in the earlier patents had not proved practicable. Plaintiff patented a single crystal bi-focal and suggested a workable means of manufacture. Defendant discovered an entirely different means of making substantially equivalent lenses, and proceeded to manufacture them. Suit for infringement. Defense, anticipation and non-infringement. *Held,* the prior patents did not anticipate the plaintiff's patent; defendant was an infringer. *One Piece Bi-focal Lens Co.* v. *Stead,* (1921) 274 Fed. 667.

In placing a patented article of manufacture on the market, there are two distinct steps involved, first, the conceiving of the possibility of making such a thing, and second, devising a way of making it. In order to decide that the plaintiff's patent was not anticipated, the court must have concluded